

Patent
Serial No. 10/614,411
Amendment in Reply to Office Action of November 2, 2005

REMARKS

This Amendment is being filed in response to the Office Action mailed November 2, 2005, which has been reviewed and carefully considered. A request for a three month extension of time is submitted herewith. Accordingly, the period for responding to the Office Action is extended to May 2, 2006 and such response is attended to herein. Reconsideration of the present application and entry of the present amendment are respectfully requested.

Claims 1-28 were pending in this application. Claims 9-14, 18 and 27-28 are canceled herein, without prejudice. The Applicants reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claims 29-37 are added by this amendment. No additional fees are due since the Applicants have canceled nine (9) claims and have added a commensurate number (nine (9)) of claims.

By means of the present amendment, the claims have been amended to better conform to U.S. practice, such as changing "characterized" to --wherein--, as changing dependent claims to begin with "the". The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

Claims 5, 15, and 23 are amended herein to include subject matter of previously pending claim 18. Claims 1-4, 22, 25, and 26 are amended to include subject matter of previously pending claim 21. No new matter is added by these amendments nor should further search be required since the subject matter was previously considered during examination.

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Claims 1-2, 4-8, 15, 16, 18, 19 and 22-25 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,303,225 to Satoh ("Satoh"). Claims 3, 17, 21, and 26 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Satoh in view of U.S. Patent No. 5,255,262 to Best ("Best"). These rejections regarding claims that are still currently pending are respectfully traversed.

Regarding the subject matter of previously pending claim 18, the Office Action relies on Satoh, FIGs. 8 and 9, which the Office Action asserts "describes the global control information as recited ...". However, reliance on Satoh generally, and the cited figures particularly is misplaced.

Satoh shows a multi-layered optical disk wherein only one of the disk layers, namely layer 7c in FIG. 8, (emphasis added!) has a plurality of "track sector identification sections ID_{TS}", wherein "[e]ach track/sector identification section ID_{TS} identifies a group of tracks and sectors which are aligned in the thickness direction", namely within a layer (See, Satoh, the description that accompanies FIG. 8 and 9, Col. 5, lines 14-21.) ID_{L3}, for example, identifies the layer in which it is located (e.g., see, Satoh, Col. 5, lines 45-47).

The record carrier of Claim 5 is not anticipated or made obvious by the teachings of Satoh. For example, Satoh does disclose or suggest, a record carrier that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein each layer contains a block of control information including layer control information related to multiple other blocks of said layer, and wherein at least one of the control information blocks contains a sub-block having a global indication about the contents of the

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user information stored in another of the layers" as required by Claim 5, and as substantially required by each of Claims 15 and 23.

Based on the foregoing, the Applicants respectfully submit that independent Claims 5, 15, and 23 are patentable over Satoh and notice to this effect is earnestly solicited. Claims 16, 17, 19-21, 24 and 37 respectively depend from one of Claims 15 and 23 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration and allowance of each of dependent claims 16, 17, 19-21, 24 and 37 is respectfully requested.

Regarding the subject matter of previously pending claim 21, the Office Action relies on Satoh in view of Best, namely Best, Col. 10, lines 49-64, which the Office Action asserts "teaches the use of global information (header information) including an indication of the format of the different layers ...". However, reliance on Satoh in view of Best generally, and the cited section particularly is misplaced.

Best shows that (emphasis provided) "[t]he controller 314 seeks and reads the header information of the first track of the first data surface. The header has information on the number of layers, what type of optical media is in each layer (reflectivity or polarization detection), and what type of tracking mark patterns are used." (See, Best, FIG. 7, and accompanying description contained in Col. 10, lines 53-58.)

The record carrier of Claim 1 is not anticipated or made obvious by the teachings of Satoh in view of Best. For example, Satoh in view of Best does disclose or suggest, a record carrier that amongst other patentable elements, comprises (illustrative

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emphasis provided) "" as required by Claim 1, and as substantially required by each of Claims 2-4, 8, 22, 25, and 26.


Based on the foregoing, the Applicants respectfully submit that independent Claims 1-4, 8, 22, 25, and 26 are patentable over Satoh in view of Best and notice to this effect is earnestly solicited. Claims 6, 7 and 29-36 respectively depend from one of Claims 1 and 2 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration and allowance of each of dependent claims 6, 7, and 29-36 is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 
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May 2, 2006

Enclosure: Petition for three month extension of time
Authorization to charge credit card \$1020 fee for three
month extension of time

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